

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

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In the matters of:

Rule Making to Amend Part 1 and Part 21)
of the Commission's Rules to Redesignate)
the 27.5-29.5 GHz Frequency Band and to)
Establish Rules and Policies for Local)
Multipoint Distribution Service;)

Applications for Waiver of the)
Commission's Common Carrier Point-to-)
Point Microwave Service Rules;)

Suite 12 Group Petition for Pioneer's)
Preference;)

University of Texas-Pan American/)
RioVision Petition for Reconsideration)
of Waiver Request)

TO: The Commission)

CC Docket No. 92-297

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-7872; RM 7722

PP-22

REPLY TO THE COMMENTS

SUBMITTED BY:

Jon Schill
Vice President

FOR:

RioVision of Texas, Inc.

April 15, 1993

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REPLY TO THE COMMENTS

RioVision, Incorporated, a Petitioner for Reconsideration along with the University of Texas-Pan American, submits this reply to the comments of those parties filing in response to the Notice of Proposed Rulemaking, Order, Tentative Decision and Order on Reconsideration in CC Docket No. 92-297, RM-7872 and 7722 and PP-22 (released January 8, 1993) (Notice), relating to the proposed Local Multipoint Distribution Service (LMDS).

COMMENTS CONCERNING A NON-COMMERCIAL SET-ASIDE

RioVision concurs in those comments endorsing the Commission's plan to reallocate the 27.5 to 29.5 GHz spectrum for LMDS services and with the position endorsed by many commentators that one-half the bandwidth be set aside for non-commercial, specifically educational, utilization. LMDS has the capability to provide the critical "last mile" function as part of a nationwide broadband, interactive telecommunications network which can best be achieved by pairing up risk-takers in the private sector with those involved in higher education who see interactive television as a powerful means to reach and teach millions of Americans.

RioVision supports the premise of several commentators that commercial LMDS licenses should be preferentially conditioned on accommodating educational users to provide access to LMDS technology for educational purposes, such as lease agreements for excess capacity or reserved educational channels for situations where educational institutions are unable to construct and operate the LMDS system alone.

By the Commission's own standards - previous Commission efforts to accommodate educational needs via telecommunications media have largely been unsuccessful. The most notable underachiever in this area being ITFS channels which presently serve only a fraction of those envisioned by the Commission when it began ITFS licensing more than a decade ago.

LMDS, with its inherent interactivity, its cohesiveness of channels and its relatively low costs of construction and operation, can fill this void to more than meet both the letter and the spirit of the Commission's instructional and educational goals.

COMMENTS CONCERNING CONFLICTS WITH FIXED SATELLITE SERVICE SYSTEMS

RioVision believes that terrestrial LMDS systems will provide a service that constitutes the best possible usage of the frequencies requested and, therefore, LMDS should be granted primary status in the use of those frequencies.

It further appears that arguments made by several commentators regarding potential interference problems with Fixed Satellite Service Systems are specious.

Particularly bothersome are the comments of the National Aeronautics and Space Administration (NASA) which seeks to convince the Commission that 20 GHz propagation characteristics are virtually identical to those in the 27.5 to 29.5 range.

Had NASA arrived at this conclusion by collecting data at the higher frequencies - its request for a moratorium might be warranted.

Insofar as the Rio Grande Valley of Texas (the area for which RioVision and UT-Pan American have made license application) is concerned - there is no known uplink operating in the aforementioned or any other frequency within at least one hundred miles.

ADDITIONAL COMMENTS

RioVision concurs in the comments of several parties that LMDS license terms should be set at ten years.

RioVision agrees with those commentators that the NPRM's timely service requirement should be modified to 50% of the service area within three years and 90% within five years.

RioVision would propose that service areas be defined as Areas of Dominant Influence (ADIs) as utilized by the Arbitron and Nielsen Television Ratings Services.

Respectfully Submitted,

RIOVISION, INCORPORATED

BY:


Jon Schill
Vice President